



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Karl-Heinz Wendt

Serial No.: 10/724,574

Filed : November 28, 2003

Group Art Unit: 1762

Examiner : Cameron, Erma C.

For : **COATED GLASSES AND METHOD FOR THEIR MANUFACTURE**

New York, NY 10036

February 2, 2007

Mail Stop Appeal Brief - Patents
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

BRIEF ON APPEAL

Sir:

Appellant submits the present Brief on Appeal in support of the appeal in the above captioned application from a final rejection dated March 31, 2006, and a Notice of Appeal filed on September 29, 2006. Reversal of the Examiner's rejections respectfully is requested based on the following arguments. The required fee of \$250.00 for a small entity is submitted herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on **February 2, 2007** in an envelope addressed to:

Mail Stop Appeal Brief - Patents
 Commissioner for Patents
 P.O. Box 1450

Alexandria, VA 22313-1450

Alan B. Clement, Reg. No. 34,563

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I. REAL PARTY IN INTEREST

The invention of the present application is the property of Karl-Heinz Wendt, the real party in interest, through virtue of being the inventor.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to appellant or its legal representatives.

III. STATUS OF CLAIMS

Claims 1-5, 8, 10-12, 15-17 and 19-27 currently stand rejected. The rejection of claims 1, 3, 5, 8, 10-12, 16-17, 19-25 and 27 is appealed herein. Claims 6, 7, 9, 13, 14, 18 have previously been canceled, and Claims 2, 4, 15 and 26 are being canceled in a concurrently submitted Amendment Under 37 C.F.R. §41.33(b).

IV. STATUS OF AMENDMENTS

The Examiner has not entered Appellant's "Amendment After Final Rejection Under 37 CFR §1.116" that was filed on August 30, 2006.

An Amendment Under 37 C.F.R. §41.33(b) is being submitted concurrently herewith.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention of Claim 1 is directed towards a method for manufacturing a glass body having a glass surface and a coating applied thereto. *See* Specification at p. 1, line 3 and p. 2, lines 7-8. The method comprises a series of steps. The first step in the method is cleaning and/or coating at least a partial area of the glass surface with a primer/cleaner. *See* Specification at p. 2, lines 25-31. The second step in the method is partially covering the glass surface with a masking film. *See* Specification at p. 2, lines 32-33. The third step in the method is applying an isocyanate-curing polyacrylate lacquer (*see* Specification at p. 2, lines 34-35) comprising mineral particles having an average diameter of 2 to 30 μm (*see* Specification at p. 6, line 7) and a solvent to at least a partial area of the glass surface (*see* Specification at p. 5, line 13) wherein the polyacrylate lacquer is a 2-component lacquer obtainable from at least one polyacrylate binder containing mineral particles and at least one isocyanate hardener having two or more reactive isocyanate groups per molecule, which are optionally protected isocyanate groups, and the solvent share in the polyacrylate lacquer is 20 to 80% w/w prior to application. *See* Specification at p. 3, lines 26-30 and p. 5, lines 11-16. The fourth step in the method is removing the masking film. *See* Specification at p. 3, line 1. The fifth step in the method is curing the coating (*see* Specification at p.3, line 37) to form a partially or completely cured coating having a layer thickness of 10 to 50 μm . *See* Specification at p. 4, lines 9-10.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The first issue on appeal is whether the rejection of Claims 1, 3, 5, 8, 10-12, 16-17, 19-25 and 27 as amended under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention should be reversed.

The second issue on appeal is whether the rejection of Claims 1, 3, 5, 8, 10-12, 16, 19-25 and 27 as amended under 35 U.S.C. §103(a) as being unpatentable over EP 665252 taken in view of EP 428937 should be reversed.

The third issue on appeal is whether the rejection of Claim 17 as amended under 35 U.S.C. §103(a) as being unpatentable over EP 665252 taken in view of EP 428937 and further taken in view of Ellenson et al (US 2,969,328) should be reversed.

VII. ARGUMENT

The present invention as amended is directed towards a method for manufacturing a glass body having a glass surface and a coating applied thereto. The first step of the method is to clean and/or coat at least a partial area of the glass surface with a primer/cleaner. The second step involves partially covering the glass surface with a masking film. The third step of the method is to apply an isocyanate-curing polyacrylate lacquer comprising mineral particles having an average diameter of 2 to 30 μm and a solvent to at least a partial area of the glass surface. The polyacrylate lacquer is a 2-component lacquer obtainable from at least one polyacrylate binder containing mineral particles and at least one isocyanate hardener having two or more reactive isocyanate groups per molecule, which are optionally protected isocyanate groups, and the solvent

share in the polyacrylate lacquer is 20 to 80% w/w prior to application. The next step involves removing the masking film. The final step is to cure the coating to form a partially or completely cured coating having a layer thickness of 10 to 50 μm .

A. THE REJECTION UNDER 35 U.S.C. 112, SECOND PARAGRAPH

In item 5 of the March 31, 2006 Office Action, the Examiner finally rejected Claims 1-5, 8, 10-12, 15-17 and 19-27 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention. The Examiner stated that the second-to-last line in Claim 1 is not clear in which coating is meant to be cured, the coating formed from the cleaning and/or coating step, or the acrylate lacquer.

As an initial matter, Appellant did try to amend Claim 1 in an Amendment After Final Rejection Under 37 C.F.R. §1.116 by specifically reciting which coating was meant to be cured, however the Examiner did not enter any part of this Amendment. This refusal to enter at least the part of the Amendment that amended Claim 1 to recite which coating was meant to be cured was error under MPEP §714.13(II) because the Amendment removed an issue for appeal and only required a cursory review by the Examiner (i.e., the Examiner was unsure which of two coatings were meant, and Appellant amended Claim 1 merely to recite one of the two coatings the Examiner had already acknowledged as existing in Claim 1. Therefore, the Examiner would merely have to examine the claim as amended for antecedent basis purposes).

Notwithstanding, the Appellant disagrees with the rejection because, while there are two coatings, only one of the two coatings is explicitly claimed as being able to be

cured: the third step of Claim 1 recites “an isocyanate-*curing* polyacrylate lacquer”. (Emphasis added). Therefore, the step of *curing* the coating can refer to no coating other than that applied by the isocyanate-*curing* polyacrylate lacquer. The coating from the first step is not noted as being able to be cured and is not being referred to by the second-to-last line in Claim 1.

Because Claim 1 specifically identifies the coating to be cured, Claim 1 is not indefinite for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention. Therefore, Appellant respectfully requests reversal of the Examiner’s rejection of Claims 1, 3, 5, 8, 10-12, 16-17, 19-26 and 27 under 35 U.S.C. 112, second paragraph as rendered moot, or, in the alternative, entry of that part of Appellant’s Amendment After Final Rejection Under 37 CFR §1.116 filed August 30, 2006 that would have cured and rendered moot this rejection.

B. THE REJECTIONS UNDER 35 U.S.C. §103(a)

1. The Okamoto and Calahorra References

In item 9 of the March 31, 2006 Office Action, the Examiner finally rejected Claims 1-5, 8, 10-12, 15-16 and 19-27 under 35 U.S.C. 103(a) as being unpatentable over EP 665252 (Okamoto) taken in view of EP 428937 (Calahorra).

Appellant submits that it would not be obvious to one of ordinary skill in the art to modify the Okamoto reference with the teachings of the Calahorra reference in order to create that which Appellant claims as the invention. Okamoto plainly is concerned with a procedure to obtain **permanent** although removable films on **glass** surfaces. *See* Okamoto at p. 12, lines 51-58 (describing how the composition separated from the glass

sheets to which it was applied). In direct contradistinction, Calahorra is concerned with spraying a **temporary** coating onto **plastic sheets**. See Calahorra at p. 2, lines 35-43 (describing Calahorra's invention as providing "a temporary coating" which "can be removed by simply washing it off" of the plastic sheet to which it is applied). In fact, the Calahorra reference never once mentions the word "glass." The two cited references are simply too remote from each other to be properly combined together. In fact, because one reference teaches preparing a removable, permanent film and the other teaches a temporary coating (expedients which are opposite each other), the references teach away from making the combination. See *Ecolochem, Inc. v. Southern California Edison Co.*, 227 F.3d 1361, 1372 (Fed. Cir. 2000), *cert. denied*, 532 U.S. 974 (2001) ("[w]hen a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references." (internal citations omitted)); see also *In re Clay*, 966 F.2d 656, 659 (Fed. Cir. 1992) (noting that references may be properly combined only if they are reasonably pertinent to the problem that the inventor attempts to solve); *McNeil-PPC, Inc. v. Perrigo Co.*, 443 F.Supp.2d 492 (S.D.N.Y. July 27, 2006) ("[w]hen resolving an obviousness issue, the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination." *Id.* at 517 (quoting *Grain Processing Corp. v. Am. Maize-Prods. Co.*, 840 F.2d 902, 907 (Fed. Cir. 1988))).

Even if it were obvious to combine the two references (which it is not, because the two references are remote, as demonstrated above), that which Appellant claims as the invention still would not be created. The present claimed invention is directed to **durable, non-removable** films permanently adhered to **glass**, whereas Okamoto teaches

films made on glass but then removed from the glass. In this respect, Okamoto forms a film by applying a 2-component aqueous lacquer (*see* Okamoto at p.1, lines 3-4) to a glass surface, and, due to the nature of glass, the film is easily separated from the glass surface (though it should be noted that the film, as mentioned above, is permanent; it just does not stay attached to the glass surface). For example, if the invention of Okamoto were mistakenly applied to a glass window, a razor blade could easily be used to remove the Okamoto invention because glass is a very polar substrate. However, as noted above, Appellant's claimed invention cannot be so easily separated from the glass substrate as it is very **durable and non-removable** as well as **permanent**. A person of ordinary skill in the art would consider the invention of Okamoto unsuitable to apply to glass when a **durable and permanent** film is required. *See* Okamoto, p. 12, lines 51-58 (showing that the coating films separated from the glass sheets after one day, seven days, and thirty days). In contrast, Appellant's invention withstands sunlight, heat, and humidity. *See* Specification at p. 11, lines 12-14, 24-26 and p. 14, lines 1-6.

Appellant further submits that the claimed invention is entirely different from and not disclosed or taught by Okamoto on a number of other different levels.

First, the present invention is chemically different from that of Okamoto in that the claimed invention does not call for an acrylic-siloxane copolymer component containing water wherein the acrylic copolymer is dispersed as solid matter in water and instead comprises a solvent for dissolving the polyacrylate. Okamoto's film also necessarily requires siloxane bonds. *See* Okamoto, p. 10, lines 22-23. Okamoto's copolymeric acrylate-siloxane are chemically distinct from the claimed polyacrylate, which excludes the siloxane component of Okamoto because the claimed polyacrylate is

only urethane crosslinked. Therefore, the two coatings are chemically very distinct from each other.

Additionally, the coating of the present invention is hard and nonflexible whereas Okamoto's film can be elongated. *See* Okamoto at p. 14, lines 1-55 (Table 2).

Moreover, the film obtained by Okamoto is 200 μ m thick. *See* Okamoto at p. 12, line 57. Okamoto does disclose film thicknesses of 1 to 1000 μ m but not in connection with coated glass surfaces. *See* Okamoto at p. 10, lines 16-17. In the only portion of Okamoto disclosing a thickness on glass, the thickness taught is much greater than that of the claimed invention. *See* Okamoto at p. 12, line 56 (teaching a 200 μ m coating on glass). The present invention instead requires film thickness of 10 to 50 μ m which relates to the diameter of the particles of 2 to 30 μ m contained in the lacquer. This ensures that the glass coating is opaque and at the same time transparent to light. In fact, as noted below, these features (coating thickness and particle size), along with the inclusion of mineral particles, provides for improved light transmission.

Okamoto also does not disclose the masking foil used in the claimed invention. It is not conventional to mask a glass surface to be coated, and none of the references apply a masking film. The Examiner simply states that it is conventional to mask a glass surface without citing references. This must be supported by an affidavit by the Examiner, which was not provided. *See* 37 C.F.R. §1.104(d)(2). Clearly, the applied references do not teach masking of the glass. The use and removal of the masking foil are positive limitations recited by the claimed invention that are not disclosed or taught by any of the applied references. Notably, Appellant respectfully submits that one would

not employ a masking film where the purpose is to prepare a permanent film once removed from the glass, as taught by Okamoto.

Appellant notes that the Okamoto reference does recite a listing of additives (*see* Okamoto at p. 10, lines 10-13), but it does not disclose mineral particles as claimed in Claim 1. Recited in the list are metallic particles and coloring pigments. These, however, are not the same as the claimed mineral particles. Furthermore, the dyes of Claim 8 of the appealed invention are added on top of the mineral particles.

The average particle diameter represents another difference between the claimed invention and the Okamoto reference. The average particle diameter refers to the dispersed copolymer in the aqueous dispersion. However, it can be assumed that there are no other particles of a larger size in Okamoto; otherwise the particle diameters of about 0.01 to about 1 μ m of the disperse phase (*see* Okamoto at p. 9, line 25) would not have been given (or, at the very least, are not determinable in the presence of larger particles). It is also likely that because the polyacrylate phase is a dispersion of a polar polymer, it is not possible to disperse mineral particles at the same time without obtaining unwanted coagulation and precipitation of both. *See* Okamoto at p. 9, lines 20-25.

The Calahorra reference does not provide the missing aspects of the Okamoto reference. As an initial matter, the Calahorra reference is directed to a temporary coating which simply can be washed away. *See* Calahorra at p. 2, lines 33-36. The isocyanate-cured polyacrylate lacquer as claimed herein cannot be washed off by water. Furthermore, Calahorra is directed to “a wide variety of polymers and copolymers of the type generally used in coating technology. There may be used suitable alkyd resins, vinyl resins, epoxies, polyurethane, acrylics, chlorinated rubber, polycarbonates, polyesters and

copolymers of any of these.” *See* Calahorra at p. 2, lines 44-46. None of these are isocyanate-cured polyacrylate lacquers such as those called for in the present claimed invention.

Additionally, the percentage of matter in the compositions are very different: Calahorra teaches that “[b]ased on parts by weight, compositions of the invention contain typically from about 20 to 50 parts binder, 5 to 20 parts solvents, 0.5 to 3 parts additives, 2 to 15 parts plasticizer, and from about 2 to 20 parts reflective particles (pigments).” *See* Calahorra at p. 2, lines 51-53. No isocyanate or solvent share of 30 wt. % or higher is disclosed, as in the present invention.

Finally, the Calahorra coating is not applied to glass surfaces, it is only applied to plastic sheets (i.e., polyolefins). *See* Calahorra at p. 2, lines 42-43 and p. 3, lines 6-11. In fact, the word “glass” is not mentioned anywhere in the Calahorra reference.

Therefore, because it would be unobvious to one of ordinary skill in the art to combine the two references, and because, even if the two references improperly were combined, that which Appellant claims as the invention would not be created, Appellant respectfully requests reversal of the Examiner’s rejection of Claims 1, 3, 5, 8, 10-12, 16, 19-25 and 27 under 35 U.S.C. 103(a).

2. The Addition of US 2,969,328 (Ellenson)

In item 10 of the March 31, 2006 Office Action, the Examiner finally rejected Claim 17 under 35 U.S.C. §103(a) as being unpatentable over EP 665252 (Okamoto) taken in view of EP 428937 (Calahorra) and further taken in view of Ellenson et al. (U.S. 2,969,328).

Appellant respectfully submits that it would not be obvious to one of ordinary skill in the art to combine the Okamoto reference with the Calahorra reference for the reasons discussed above. The addition of the Ellenson patent does not make it obvious to combine these other two references, thus curing the above-described defect. Moreover, even if it were obvious to one of ordinary skill in the art to combine the two references (which it is not), that which Appellant claims as the invention still would not be created, as discussed above. Additionally, the invention as claimed would not be created because Ellenson does not teach the removal of isocyanate-cured polyacrylate lacquers with halogen hydrocarbons as called for in Claim 17. Furthermore, Ellenson does not mention any coatings that contain mineral particles.

Therefore, Appellant respectfully requests reversal of the Examiner's rejection of Claim 17 under 35 U.S.C. §103(a).

3. Unexpected Results as a Secondary Consideration of Non-Obviousness

One of the factual determinations relevant to an argument of obviousness is whether the present invention caused unexpected results. *Syntex (U.S.A.) LLC v. Apotex, Inc.*, 407 F.3d 1371, 1378 (Fed. Cir. 2005) (citing *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966)); *Glaxo Group Ltd. v. Apotex, Inc.*, 376 F.3d 1339, 1349 (Fed. Cir. 2004) (citing *Graham* for the proposition that unexpected results in an invention favors a determination of non-obviousness).

In the instant case, the Appellant's invention unexpectedly provides surprising results over the prior art. The present invention provides specially coated glass bodies that simultaneously are opaque and translucent. Such a combination is unobvious over

the prior art opaque glass bodies, which have been available by abrasion methods (such as sand blasting), attaching foils, etching or covering with conventional coatings which do not contain mineral particles.

The coating of the present invention actually enhances light transmission but still provides full sight screen protection. Furthermore, the coating of the present invention is more easily and more effectively disinfected, and it has superior chemical resistance when treated with disinfectants or surfactants (which is one of the reasons why the coating of the present invention is favored by hospitals). Additionally, the coating of the present invention (unlike those of the prior art) can be used on certified fire-resistant glass. These novel and unobvious features are described in more detail below.

a. Improved Light Transmission

The coating of the present invention enhances light transmission properties, as noted in the specification. In contrast, foils, sandblasted, and etched glass normally greatly reduce the permeability of light. Due to the layer thickness of Appellant's invention (10 to 50 μm) relative to the size (2 to 30 μm) and number of mineral particles, light is reflected over a wide range of incoming angles and either directly transmitted through the glass or reflected again on the coating to finally pass through the glass. The transmission of normal daylight through a glass pane coated with the present invention is enhanced by 30% when compared to an untreated and fully transparent glass pane.

b. Improved Disinfection

One of the major uses of the coating of the present invention is in hospitals to make built-in glass surfaces (such as windows to hospital rooms) opaque. For such applications, masking is required because the coating should not be applied directly to the sealing that flexibly holds the glass pane within the groove of the window frame.

Prior art etched or sand blasted surfaces, or those covered with an adherent plastic foil, have been shown to be hard-to-clean breeding grounds for bacteria, fungi and viruses. Surprisingly, the present invention has been shown to actually have an antiseptic effect. For example, methicillin-resistant *Staphylococcus aureus* ("MRSA") is a recognized cause of nosocomial infections. As noted in the specification, bacteria (such as MRSA), viruses, etc. are easily eliminated from a glass covered with the coating of the present invention. In contrast, the prior art coatings served as reservoirs for the bacteria.

The coating of the present invention has such an unexpected and surprising result that the Commission for Hygiene Safety of Medical-Technical Products and Processes of the German Society of Hospital Hygiene has certified the coating of the present invention as conforming to the strictest safety standards of hospital hygiene. A copy of this certification is being submitted with this Brief as Exhibit A.¹

c. Fire Resistant Glass

Fire resistant panes are made from special glass and are of a special build. Such panes are individually certified for their fire resistance. Such fire resistant glass is not allowed to be etched, sandblasted or covered with adhesive foils after certification as

¹ This certificate was not submitted previously during the prosecution of this application because the certification was just granted on January 24, 2007.

these processes would affect the fire resistance capabilities. However, the coating of the present invention can be applied to fire resistant glass and not change the properties of that glass, as noted in the specification. Furthermore, the coating does not blacken when exposed to fire; rather, it becomes slightly brown when first exposed to heat. Above temperatures of 1200°C, the coating of the present invention becomes fully transparent which is an obvious advantage for fire rescue personnel.

In order to help convey the idea of the invention, Appellant is submitting color photographs of coated glass made using the method of the present invention as Exhibit B. These photographs previously were submitted to the Examiner as part of Appellant's Amendment After Final Rejection Under 37 CFR §1.116 that was filed on August 30, 2006 but not entered by the Examiner.

C. CONCLUSION

Based on the above, Appellant respectfully submits that the pending claims are patentable over the cited prior art and that the rejections of the Examiner properly are reversed. Favorable action is respectfully requested and earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ABC' followed by a stylized flourish.

Alan B. Clement
Reg. No. 34,563

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VIII. CLAIMS APPENDIX

1. A method for manufacturing a glass body having a glass surface and a coating applied thereto, characterized in that the method comprises the following steps:

- Cleaning and/or coating at least a partial area of the glass surface with a primer/cleaner;
- Partially covering the glass surface with a masking film;
- Applying an isocyanate-curing polyacrylate lacquer comprising mineral particles having an average diameter of 2 to 30 μm and a solvent to at least a partial area of the glass surface, wherein the polyacrylate lacquer is a 2-component lacquer obtainable from at least one polyacrylate binder containing mineral particles and at least one isocyanate hardener having two or more reactive isocyanate groups per molecule, which are optionally protected isocyanate groups, and the solvent share in the polyacrylate lacquer is 20 to 80% w/w prior to application;
- Removing the masking film; and
- Curing the coating to form a partially or completely cured coating having a layer thickness of 10 to 50 μm .

2. The method according to claim 1, characterized in that the method additionally comprises one or more of the following steps independently from each other:

- Mechanically removing adhering residual deposits from the glass surface originating from the manufacturing step of the glass body or from later

contamination prior or after the cleaning and/or coating step with the primer/cleaner and/or;

- Abrading said partially or completely cured coating to break pointed edges formed during or after the curing step of the coating.

3. The method according to Claim 1, characterized in that the primer includes or comprises a polar, organic solvent having 2 to 12 carbon atoms, and at least one chemical group selected from the group consisting of alcohol, keto, aldehyde, ester and acid group.

4. The method according to Claim 2, characterized in that the residual deposits on the glass are removed by polishing with steel wool.

5. The method according to Claim 1, characterized in that the polyacrylate lacquer containing mineral particles is applied via silk-screen printing, spraying or rolling.

8. The method according to Claim 1, characterized in that the mineral particles are oxides or mixed oxides of aluminum and/or silicon, including hydrates thereof.

10. The method according to Claim 1, characterized in that dyes are added to the polyacrylate lacquer to manufacture color coatings.

11. The method according to Claim 1, characterized in that the glass body consists of acrylic glass, fire-resistant glass or multi-layer/composite glass.

12. The method according to Claim 24, characterized in that the glass body is single-sheet safety glass, and the coated glass has a surface tension that is roughly the same or maximally reduced by 10% relative to the uncoated glass.

15. The method according to Claim 1, characterized in that the solvent contains hydrocarbons, esters or alkoxy esters all of which have 4 to 12 carbon atoms.

16. The method according to Claim 1, characterized in that the hardener contains a C4 to C12 diisocyanate and, optionally, a silane derivative.

17. A method according to claim 1, characterized in that the method additionally involves the step of removing the applied coating without damaging the glass surface using a halogen hydrocarbon-containing stripper.

19. The method according to Claim 3, characterized in that said polar, organic solvent is a C2 to C3 alcohol.

20. The method according to Claim 19, characterized in that said polar, organic solvent has less than 5% w/w of water.

21. The method according to Claim 20, characterized in that said polar, organic solvent has less than 1% w/w of water.

22. The method according to Claim 1, characterized in that the cured coating has a layer thickness of 15 to 30 μm .

23. The method according to Claim 1, characterized in that the mineral particles have an average diameter of 5 to 25 μm .

24. The method according to Claim 11, characterized in that said glass body is selected from the group consisting of multi-layer composite glass, fire-resistant glass of type G-glazing, and single sheet safety glass (ESG).

25. The method according to Claim 11, characterized in that said coating is further applied to the glass surface in built-in condition.

26. The method according to Claim 15, characterized in that the solvent contains hydrocarbons, esters or alkoxy esters all of which have 6 to 10 carbon atoms.

27. The method according to Claim 3, characterized in that said solvent has 2 to 4 carbon atoms.

IX. EVIDENCE APPENDIX

Appellant is submitting as Exhibit A a copy of a certificate issued by the Commission for Hygiene Safety of Medical-Technical Products and Processes of the German Society of Hospital Hygiene that certifies the coating of the present invention as conforming to the strictest safety standards of hospital hygiene. This certificate was not submitted previously during the prosecution of this application because the certification was just granted on January 24, 2007.

Appellant is submitting as Exhibit B photographs of coated glass made using the method of the present invention. These photographs were previously submitted to the Examiner as part of Appellant's Amendment After Final Rejection Under 37 CFR §1.116 that was filed on August 30, 2006 but never entered by the Examiner.

X. RELATED PROCEEDINGS APPENDIX

There are no related appeals or interferences known to Appellant or its legal representatives.

Anlage zum Vertrag Nr. 01 / 2007 vom 24.01.2007

zwischen der

Fachkommission

„HYGIENISCHE SICHERHEIT MEDIZINISCHER PRODUKTE UND VERFAHREN
DER DEUTSCHEN GESELLSCHAFT FÜR KRANKENHAUSHYGIENE e.V.“

Herrn Karl Heinz Wendt
P 87 Handels- und Service GmbH
Am Postweg 44 F
12205 Seevel

Die Fachkommission hat auf Antrag am 10.03.2006 die Hygienische Sicherheit der

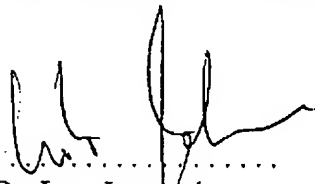
Gas-MA-Beschichtungssystems
zur Beschichtung ESG-VSG-, Alu- und Brandschutzgläsern
in Gesundheitseinrichtungen

geprüft

Entsprechend o.g. Vertrag ist die Firma berechtigt,
das Prüfstat für dieses Produkt mit einer Gültigkeit von 2 Jahren zu führen.

Berlin, den 24. Januar 2007

Der Vorsitzende der Fachkommission der DGKH e.V.


.....
Dr. Lutz Jatzwauk

Anlage

Das Prüfzeichen besteht aus dem DGKH- Signet ,
dem Wort
„ Prüfzeichen “,
der Zeichen- Nr. 01 / 2007 vom 24.01.2007 und der Bezeichnung der Fachkommission.

Wissenschaftliche Grundlagen der Evaluierung:

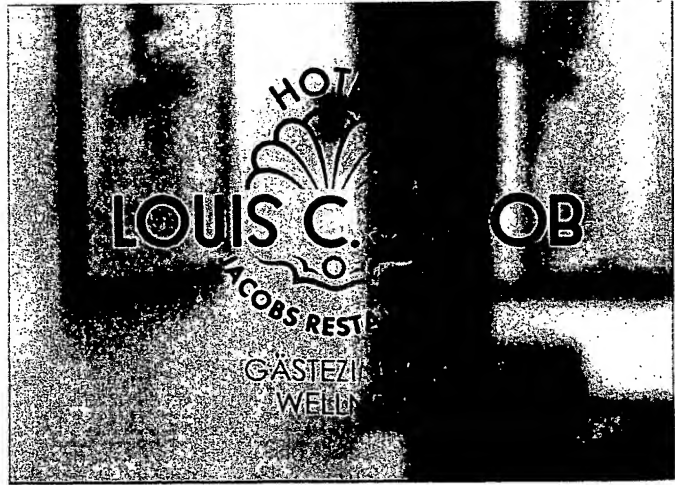
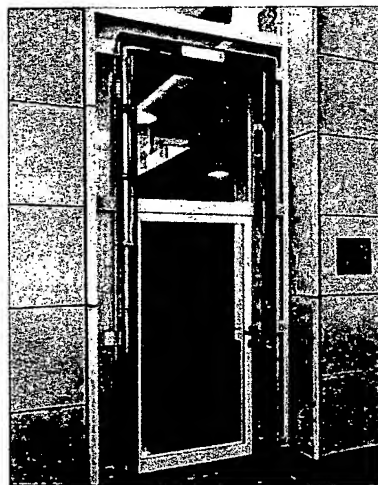
Die Risikobewertung des Glas- MA- Beschichtungs- Systems als Alternative zum Ätzen
Sandstrahlen und Dekorfolien erfolgte unter Berücksichtigung der Empfehlungen der
Kommission für Krankenhaushygiene und Infektionsprävention am Robert- Koch- Institut
„ Anforderungen der Hygiene bei der Reinigung und Desinfektion von Flächen“
(Bundesgesundheitsbl. 2004.47:51-61).

Abschnitt 6.1. Beschaffenheit von Oberflächen bezüglich Reinigung und Desinfektion

„....Oberflächen in Bereichen der Patientenversorgung ... müssen glatt, abwischbar und soweit
relevant fugendicht und mit Desinfektionsmitteln und –verfahren in den in der Liste des Robert-
Koch- Institutes angegebenen Konzentrationen und Einwirkzeiten desinfizierbar sein.“

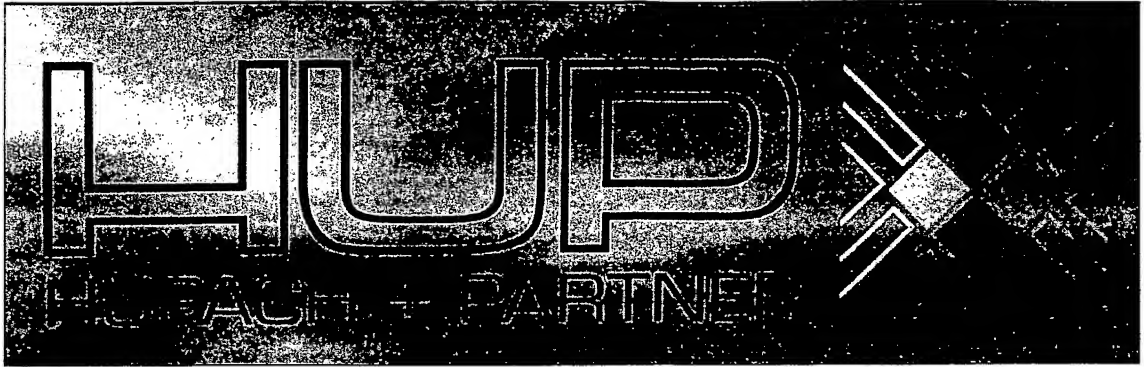


GLAS'MA – Beschichtungen als Teil - Vollflächen - Sichtschutz (Diskretions - Bereich) mit integriertem Logo / Hinweisen, - mehrfarbig in ca. RAL - Farben auf Brandschutz - Glas - Elemente vor Ort aufgebracht

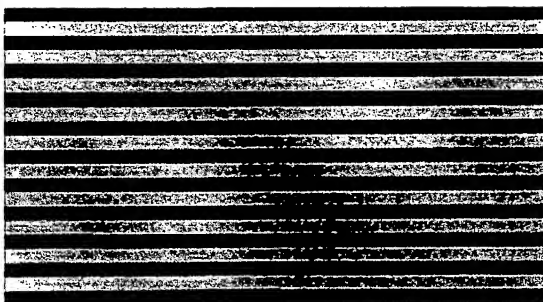


GLAS'MA – Beschichtungen als Logo / Hinweis, - mehrfarbig in ca. RAL - Farben auf Brandschutz - Glas - Elemente vor Ort aufgebracht

BEST AVAILABLE COPY



GLAS'MA – Beschichtungen als
repräsentative Logos / Schriftzüge / Hinweise
in ca. RAL - Farben
auf ESG / Brandschutzglas - Elemente
vor Ort aufgebracht

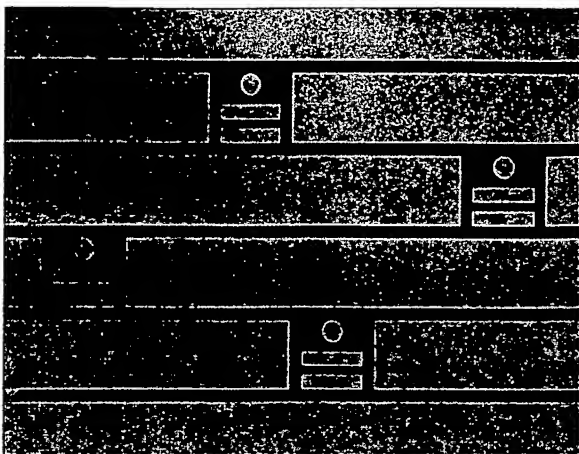


GLAS'MA – Beschichtungen als
Motiv - Sichtschutz (Diskretions - Bereich)
in ca. RAL - Farbe mit mattem Zwischenraum
auf ESG - Glas - Elemente vor Ort aufgebracht



GLAS'MA – Beschichtungen als
Motiv - Sichtschutz (Diskretions - Bereich)
in ca. RAL - Farbe mit klarem Zwischenraum
auf ESG - Glas - Elemente vor Ort aufgebracht

BEST AVAILABLE COPY



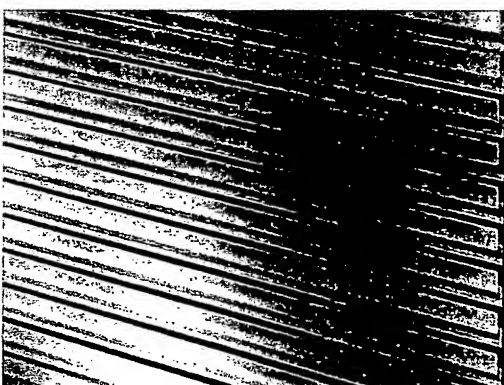
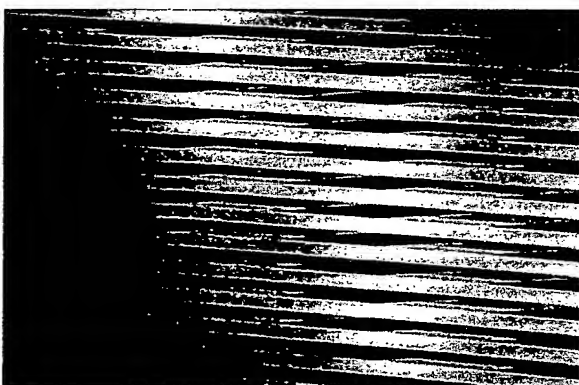
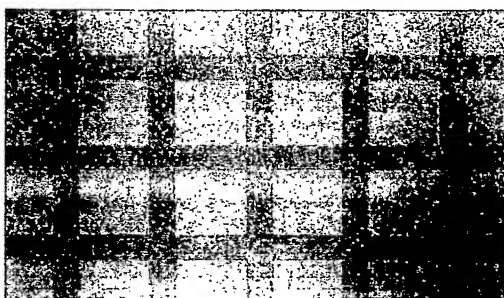
GLAS*MA – Beschichtungen als
Motiv - Sichtschutz (Diskretions - Bereich)
waagerechte Streifen mit integriertem Piktogramm
auf ESG - Glas - Elemente vor Ort aufgebracht



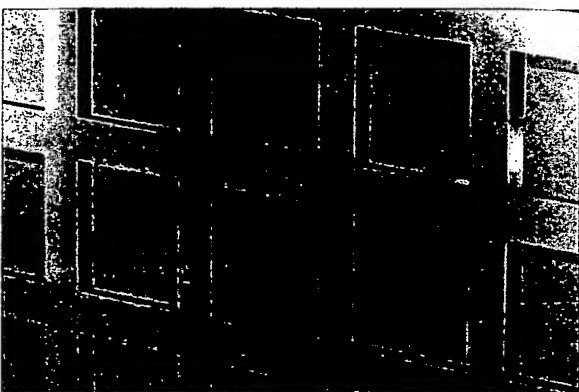
GLAS*MA – Beschichtungen als
Motiv - Sichtschutz (Diskretions - Bereich)
Moiré - Struktur
auf Brandschutz - Glas - Elemente vor Ort aufgebracht



GLAS*MA – Beschichtungen als abgestuftes Motiv - Sichtschutz (Diskretions - Bereich) mit halbmatten Zwischenräumen
auf Brandschutz - Glas - Elemente vor Ort aufgebracht



GLAS*MA – Beschichtungen als
3 - D – Motiv - Sichtschutz (Diskretions - Bereich)



Rauten - Motiv (im Versatz)

waagerechte Streifen (im Versatz)

Quadrate (Zwischenräume deckungsgleich)

beidseitig
auf ESG - Glas - Elemente vor Ort aufgebracht